

### REMARKS/ARGUMENTS

Consideration of the application in view of the above amendments and following remarks is respectfully requested. New claims 2-19 have been added. Thus, claims 1-19 remain pending in the application.

#### Amended Figures

FIGS. 1A-1B have been amended to include the label -- prior art-- as requested by the Examiner in the *Ex parte* Quayle action mailed 11/24/2003. Original FIGS. 1 and 5 have been amended to separate and distinctly identify FIGS. 1A-1B and 5A-5C. The separation into a plurality of distinctly identified figures provides further clarification to the application and the description of the invention. Further, original FIGS. 3 and 8 have been amended to include references number to further clarify the invention. No new matter is added as the reference numbers simply reference elements depicted and described in the original application as filed.

#### Amended Specification

The Specification has been amended to include reference numbers and description clarification for elements shown and described in the original application as filed. No new matter has been added to the application by these amendments.

#### Amended Claims

Claim 1 has been amended to provide adequate antecedent basis and not to over come prior art. New claims 2-19 have been added. These claims are supported by the specification as filed and no new matter has been added.

Applicant submits that the above amendments and remarks clarify the application and that the pending claims 1-19 are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested. If the Examiner would like to discuss this application, please feel free to call the undersigned at the below telephone number.

#### Priority Date

The Examiner has denied Applicant's claim to priority under 35 USC 119(e) to US Provisional Application 60/272,699 of Proksch filed February 28, 2002. Accordingly, the Examiner has requested that Applicants delete the phrase "claims priority of" with --is related to-- found on page 1, 1<sup>st</sup> paragraph.

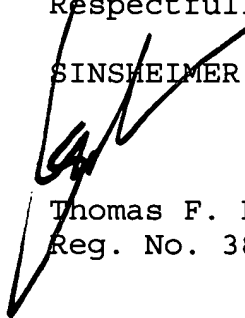
However, Applicants respectfully submit that the present application was in fact filed on February 28, 2002 for at least the reasons stated in the petition according to 37 CFR 1.10, filed concurrently herewith. A copy of the petition is included herewith for the Examiner's review. Therefore, Applicants maintain that the priority date has been perfected thus rendering the Examiner's objections as stated in paragraphs 2 and 3 of the action mailed 11/24/2003 moot.

Conclusion

Should there remain any outstanding issues that require our attention, it is respectfully requested that the Examiner telephone the undersigned at (805)781-2865 so that such issues may be resolved

Respectfully submitted,

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Attachment: Replacement Sheets (FIGS. 1,3,5, and 8)  
Annotated Sheet Showing Changes (FIGS.1,3,5, and 8)  
Petition under 37 CFR 1.10(c) to Correct Filing Date  
Exhibit A  
Exhibit B  
Exhibit C  
Exhibit D  
Exhibit E

A diagram showing a rectangular block of height  $\Delta z$  resting on a horizontal surface labeled "Hard surface". A wedge-shaped indenter is shown pressing down on the top surface of the block.



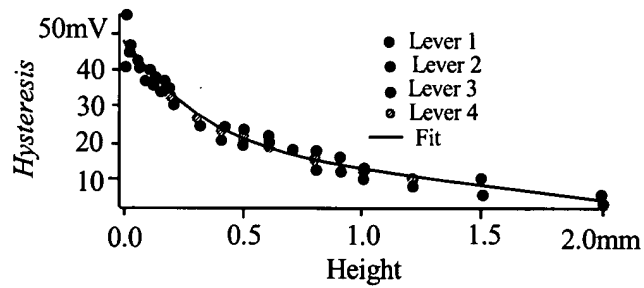


Fig. 5A

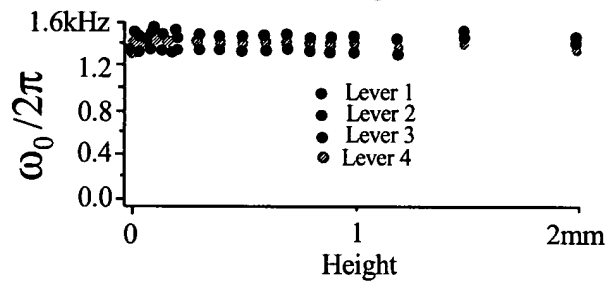


Fig. 5B

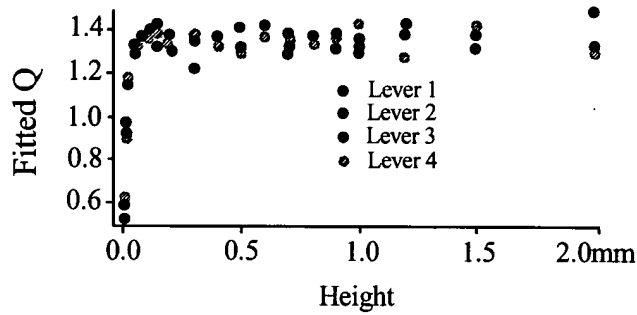


Fig. 5C

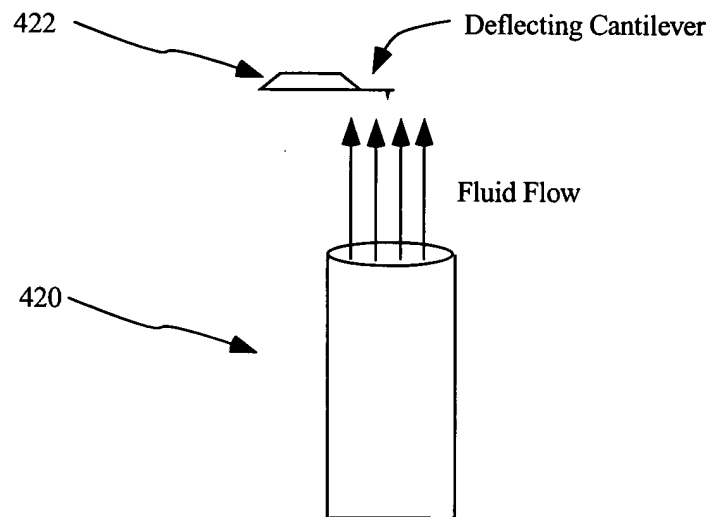


Fig. 8

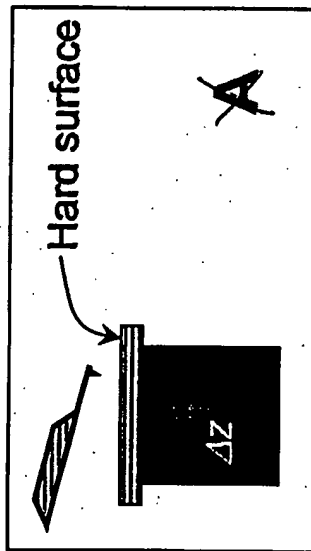
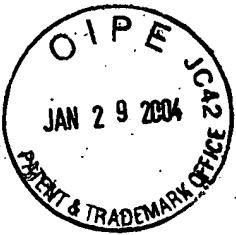


Fig. 1A  
(Prior Art)

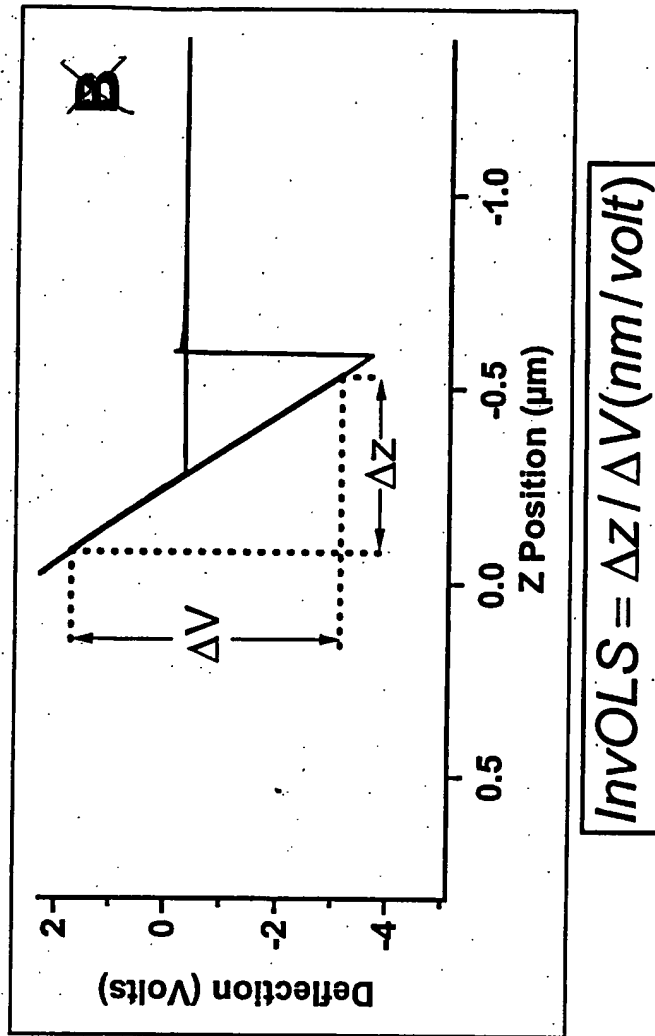


Fig. 1B  
(Prior Art)

~~FIG. 1~~



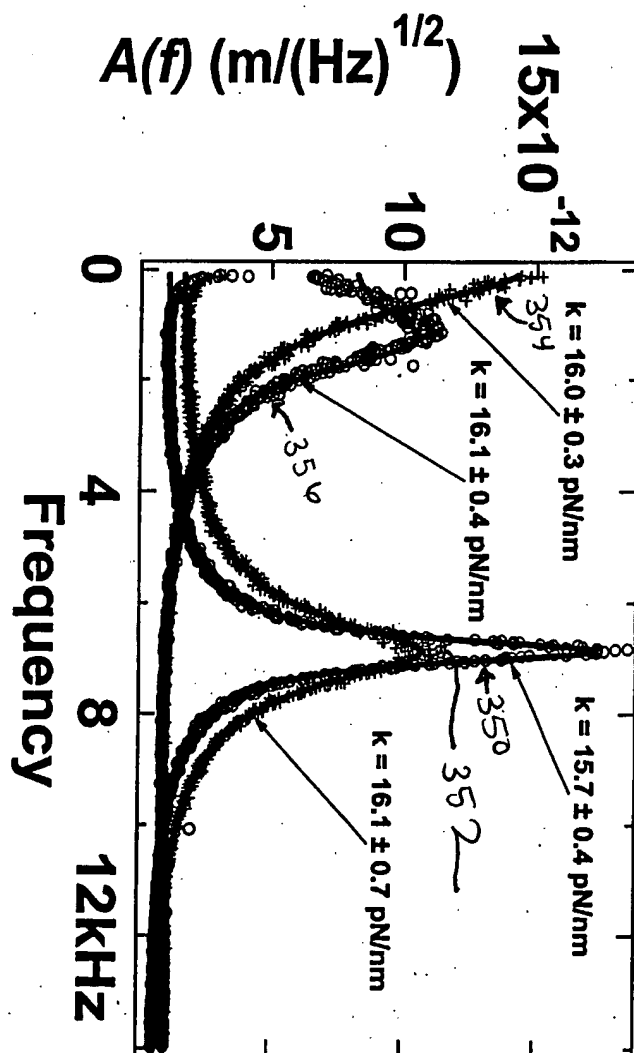


FIG. 3



Annotated Sheet Showing Changes

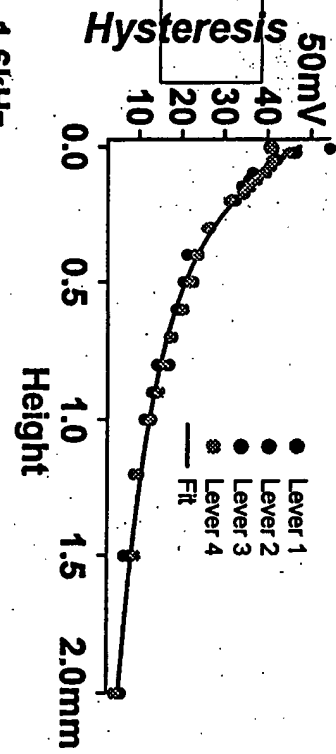


Fig 5A

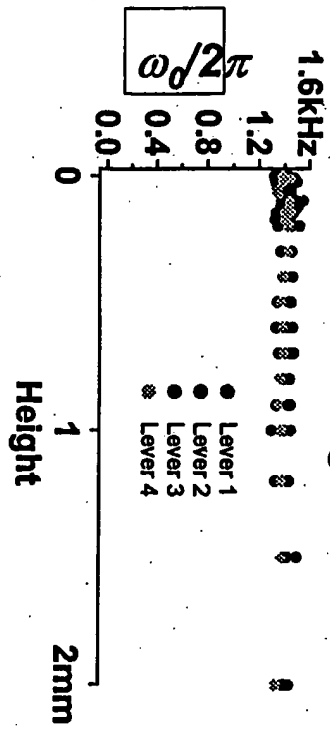


Fig 5A

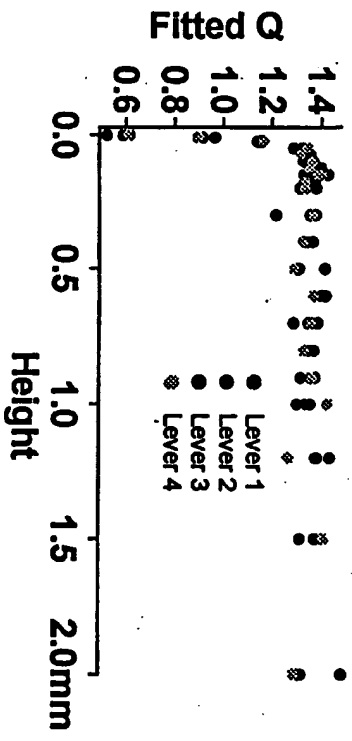


Fig 5C

~~FIG 5~~

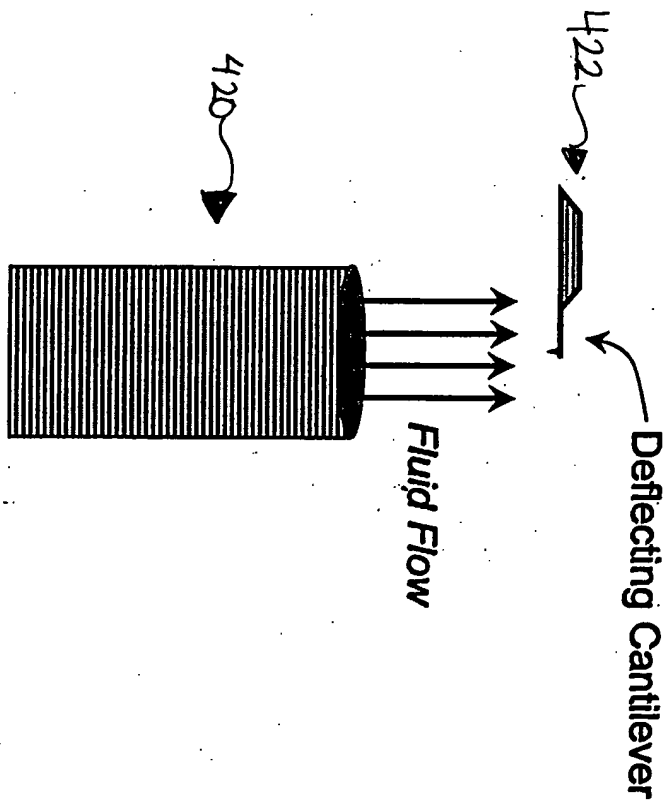


FIG. 8